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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

In re Petition of)	
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NATIONAL TRANSLATOR)	Docket No.
ASSOCIATION)	RM No.
Westminster, Colorado)	
)	
)	
For Amendment of Part 74 of the)	
Commission's Rules to Provide)	
For Displacement Relief)	
For FM Translator Stations)	

To: The Commission

PETITION FOR RULE MAKING

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PETITION FOR RULE MAKING

The National Translator Association ("NTA"), by its attorneys and pursuant to Section 1.401 of the Federal Communications Commission's Rules and Regulations (hereinafter "Rules"),¹ hereby petitions the Commission to amend Part 74 of the its Rules² by adding a new section to Subpart L to allow full relief for FM translators which otherwise would be displaced by the actions of primary users of the band.

NTA is an organization of owners and operators of radio and television translator stations throughout the United States, both commercial and non-commercial, which provide high quality over-the-air radio and television service to underserved areas. NTA since its inception has been concerned with the quality and the amount of radio and

¹ 47 CFR § 1.401
² 47 CFR § Part 74

television programming that is available off the air to residents of underserved areas of America.

NEED FOR RELIEF

FM translator stations licensed under Part 74 of the Rules are secondary to higher-priority Part 73 primary stations. Primary stations are constantly modifying their facilities, improving their facilities, changing channels as a result of rulemaking petitions, and every change, every modification, and every new channel carries with it the potential for the displacement of an FM translator. Further, with the resolution of the rights and status of noncommercial applicants on commercial channels, there is a large backlog of allocated full-service FM stations that will be going to auction and subsequently built in the coming years.

THE TELEVISION MODEL

A low power television station, TV translator station, or TV booster station licensed under Part 74 of the Commission's Rules that is predicted to cause or receive interference to or from an authorized TV broadcast station, or interference with other services, may file an application for a change in its output channel, together with other modifications which are necessary to avoid interference. This includes a change in antenna location of less than 16.1 kilometers, which will not be considered as an application for major change in the facilities. See Section 73.3572(4)(1) of the Rules. The Commission recognizes service provided by low power television, television translator, or television booster stations as a reception service on which members of the public have learned to rely, and the television displacement relief provisions were an effort by the Commission to ensure the continued receipt by the public of their current television service.

FM RELIEF

The same reasoning applies to FM translator stations. In many instances, the FM translators have provided service for many years, and the people who receive the signals from those translators rely on them to deliver service. In many instances, as a result of distance or terrain separating primary stations from residents of remote areas, the only service received by those residents is from translators..

The National Translator Association is simply asking that the television model, as modified for the circumstances, be applied to FM radio. Currently, there is no *corresponding displacement relief* provision in the Rules. An FM translator station may, as part of the minor change Rules, apply for a new channel, so long as that new channel is plus or minus first, second, or third adjacent channels, or fifty-third and fifty-fourth adjacent channels. If an FM translator today is going to be displaced, and it cannot find a new channel within those restrictions, it has no option but to go off the air. Furthermore, with the Commission's policy of not allowing newer major change applications except during window filings, the FM translator station being displaced cannot even file an application for a new facility or for a major modification of its existing to-be-displace facility.

RELIEF REQUESTED

Simple fairness dictates that an FM translator which is displaced by a higher-priority station should be allowed to request a new channel as a minor change. Facilities requested on such a displacement channel would, of course, be required to meet the same interference and other criteria as would a new applicant.

Specifically, the National Translator Association proposes that a new section to Subpart L of Part 74 of the Commission's Rules be added as follows:

An FM translator which, in accordance with §74.1203 or because of any other outgoing interference, cannot continue to operate in its assigned channel or, in the case of an unbuilt construction permit or pending application, is demonstrably expected to cause unacceptable outgoing interference, may file an application or amendment consistent with the definition of a minor change in §74.1233(a)(1), which also shall include a change to a new channel, providing such a channel meets the interference criteria of §74.1204 and the frequency assignment criteria of §74.1202. This displacement privilege shall also be available to an FM translator licensee which receives significant incoming interference to its signal within its protected contour. Further, a permittee or applicant for an FM translator which is predicted to receive significant incoming interference may file for a displacement change in accordance with the provisions of this section. Any such application or amendment must include an engineering showing of predicted incoming interference.

CONCLUSION

There is a need for displacement relief for FM translator stations, and in the coming months and years that need will grow exponentially as new full-service FM facilities are authorized by the Commission. The displacement relief will allow the band to accommodate those new facilities without disrupting established listener patterns. The National Translator Association is simply asking that an FM translator station being displaced be allowed to file a minor change application or amendment as necessary, to maintain its service to the community. The Commission is urged to commence a rulemaking proceeding as herein requested.

Respectfully submitted,

NATIONAL TRANSLATOR
ASSOCIATION

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October 31, 2003

CERTIFICATE OF SERVICE

I, Jennifer A. White, do hereby certify that a copy of the foregoing PETITION
FOR RULE MAKING has been sent, via hand delivery, this 31st day of October, 2003,

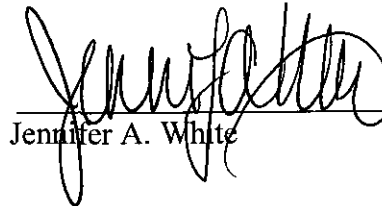
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